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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,054	06/25/2003	Catherine Solich		3836
7590	11/24/2003		EXAMINER	
Catherine Solich 829 SW 15th Ave Cape Coral, FL 33991			THOMPSON, TIMOTHY J	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/606,054	SOLICH, CATHERINE
	Examiner Timothy J Thompson	Art Unit 2873

AYK

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-5 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4 and 5 is/are rejected.
- 7) Claim(s) 3 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ .
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 2, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fanselow(U.S. Patent No. 3,704,938).**

Regarding claim 1, Fanselow discloses a magnifying glass assembly adapted to magnify printed lines on a printed page(fig 1), an elongated magnifying glass(fig 1, 30) and a holding element(fig 2, 41, 42) , the magnifying glass is an elongated magnifying glass having a flat bottom(col 3, lines 20-35) and a half circle upper shape(fig 2, 31), means for creating a friction between said magnifying glass and said holding element(fig 2, 28), whereby, when a paper(fig 2, 22) is placed between said elongated magnifying glass and said flat section said friction will hold said magnifying assembly in a predetermined location(col 3, lines 1-20). Fanselow does not disclose the magnifying glass consisting of two parts, said second part is a holding element and has at one end thereof a cage for receiving said magnifying glass therein and a flat section extending from said cage. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the magnifying element and holding element from two pieces, the magnifying glass and holding element, since it has been

held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Regarding claim 2, Fanselow discloses friction is created by placing a friction knob(fig 2, 22) on a far end of said flat section(fig 5).

Regarding claim 4, Fanselow discloses wherein said friction is created by angling the holder(fig 2, 28) relative to said flat section(the back side of element 30 in fig 1), whereby, the flat bottom of said magnifying glass will force a straight line between the holder and said flat section to magnifying glass when any paper is inserted there between(as shown by figure 2, since the holder is termed a "pocket clip", col 2, line 31 and since the clip bar is straight , the clip bar will obviously be forced in to essentially parallel position with the back surface of the magnifier).

**Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Fanselow(U.S. Patent No. 3,704,938) as applied to claim 1 above, and further in view of Solich(U.S. Patent No. 6,398,087).**

Regarding claim 5, Fanselow, as detailed in claim rejection 1 above, does not disclose a sight line placed on said flat bottom of said magnifying glass. However, Solich discloses a sight line placed on said flat bottom of said magnifying glass(fig 1, 4), stating that a sight line is used so a reader can clearly identify a particular line(abstract). It would have been obvious to one skilled in the art at the time of the invention, to use a sight line as disclosed by Solich, in the magnifier of Fanselow, since as shown by Solich sight lines are commonly used so as to aid in the identifying of a particular line.

***Allowable Subject Matter***

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. With the allowable feature being wherein said friction is created by placing a friction knob on a flexible element midway between an end of said flat section and said cage.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Redmond(U.S. Patent No. 6,538,828) and Piccinini, Sr.(U.S. Patent No. 5,133,554) are pertinent to the application since they pertain to magnifiers which include a holder for reading materials).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Thompson whose telephone number is (703) 305-0881. If the examiner can not be reached his supervisor, Georgia Epps, can be reached on (703) 308-4883.

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Art Unit: 2873

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T.J.T.

11/19/03

A handwritten signature in black ink, appearing to read "T.J.T. Sherry". The signature is fluid and cursive, with a distinct upward flourish at the end.